

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1-47 have been withdrawn. Claims 48, 58, 69 and 71-73 have been amended. Claims 67 and 68 have been canceled by previous amendment. Thus, claims 1-66, 69 and 70 are pending.

Claim Rejections 35 U.S.C. § 112, Second Paragraph

Claims 71-73 were rejected as being indefinite for failing to particularly point out an distinctly claim the subject matter of the invention. Specifically, the phrase “the order” in claims 71-73 lacked antecedent basis. Claims 71-73 have been amended to recite “an order.” Accordingly, Applicants submit that the rejection of claims 71-73 has been overcome.

Claim Rejections - 35 U.S.C. § 101

Claims 58-66 were rejected as being directed to non-statutory subject matter. Claims 58-66 have been amended. Applicants submit that claims 58-66, as amended, recite statutory subject matter and request that the claim rejection under 35 U.S.C. § 101 be withdrawn.

Claim 58 recites:

wherein one of the computing systems receives the datagram and operates on at least the vehicle detail sub-block to select a subset of the target group of sellers by comparing at least features of the vehicle in the RFQ with products of at least one seller from the target group of sellers and further wherein the computing system that operates on the vehicle detail sub-block causes the selected subset to be stored in a memory device of the computing system.

Thus, Applicants claim processing of data stored in the vehicle detail sub-block to further specify one or more sellers. The result is stored in a memory device. Claims 59-66 depend from claim 58.

In order to be patentable, the claimed invention must produce a “useful, concrete and tangible result.” *State Street Bank & Trust Co v. Signature Financial Group Inc.*, 149 F. 3d 1368 (Fed. Cir. 1998). As recited above, the invention as claimed in claims 58-66 includes storing a result of a selection to a memory, which requires manipulation of a physical device. See *State Street Bank*. Accordingly, Applicants submit that the invention as defined by claims 58-66 recites statutory subject matter and the rejection of claims 58-66 under 35 U.S.C. § 101 should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 48-66 and 69-73 were rejected as being unpatentable over U.S. Patent No. 5,748,618 issued to Rothrock (*Rothrock*) in view of a draft proposal entitled “An Industry Standard Data Format for the Export and Import of Automotive Customer Leads” (the *Proposed Standard*”).

Claim 48 recites:

wherein one of the computing systems receives the data structure and operates on at least the vehicle detail sub-block to select a subset of the target group of sellers by comparing at least features of the vehicle in the RFQ with products of at least one seller from the target group of sellers.

Thus, Applicants claim a hierarchical data structure provides a standardized structure to facilitate the communication of not only vehicle information, but a secure means of communicating customer information. The structure is used to select a subset of target

sellers. Claim 58 is drawn to a computer data signal and recites similar limitations.

Claim 69 is directed to a data storage medium and recites similar limitations.

Rothrock is directed to data storage for electronic data conferencing. See Abstract. While *Rothrock* may disclose both public and private data, *Rothrock* does not disclose or suggest a hierarchical structure including standard features associated with an automobile and optional features associated with the automobile. Further, *Rothrock* does not disclose selection of a subset of sellers based on features communicated in a hierarchical structure. In contrast, *Rothrock* discloses an arbitration mechanism that allows participants in a multi-location electronic meeting to annotate a document. See Figures 5A-5E and associated description. A single page can have multiple annotations. See Figure 5E. Therefore, *Rothrock* does not disclose or even suggest any hierarchical structure in which standard and optional features (whether associated with an automobile or not) can be used for selection of a subset of sellers.

Applicant respectfully submits that the *Proposed Standard* merely provides one example of a data format that can be used in the import and export of customer leads. The *Proposed Standard* is directed to communicating data using the Extensible Markup Language (XML). In this regard, the proposed data format includes information regarding the vehicle and a prospective customer (see, pages 5-11). The *Proposed Standard* is silent, however, as to the maintaining the customer-centric information in a private, or secure, section of the data format. Further, the Proposed Standard is silent as to selection of a subset of sellers based on a sub-block of a public block of data having features to narrow a target group of sellers. Therefore, assuming, *arguendo*, that *Rothrock* and the *Proposed*

Standard can be combined, no combination of *Rothrock* and the *Proposed Standard* results in the claimed invention as claimed in claims 48, 58 and 69.

Claims 49-57 and 71 depend from claim 48. Claims 59-66 and 72 depend from claim 58. Claims 70 and 73 depend from claim 69. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 49-57, 59-66 and 70-73 are not rendered obvious by *Rothrock* and the *Proposed Standard* for at least the reasons set forth above.

Claims 48-66 and 69-73 were rejected as being unpatentable over the *Draft Proposal* in view of "An Industry Standard Data Format for the Export and Import of Automotive Customer Leads" (*Industry Standard*). As discussed above, the *Draft Proposal* does not teach or suggest selection of a subset of sellers based on a sub-block of a public block of data having features to narrow a target group of sellers. Without the need to further characterize the *Industry Standard* reference, and without adopting the Examiner's characterization thereof, Applicant respectfully submits that the *Industry Standard* reference is not cited as curing and does not, in fact, cure the limitations identified above. Insofar as the *Industry Standard* reference fails to cure this limitation, Applicant respectfully submits that claim 48, as amended is not rendered obvious by combination of the *Draft Proposal* and the *Industry Standard* reference.

Applicant respectfully submits that claims 58 and 69 include features similar to those identified above in amended claim 48, albeit in accordance with their respective embodiments. Accordingly, Applicant respectfully submits that claims 58 and 69 are likewise not rendered obvious by combination of the *Draft Proposal* and the *Industry Standard* reference.

Claims 49-57 depend from claim 48. Claims 59-66 depend from claim 58. Claim 70 depends from claim 69. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 49-57, 59-66 and 70 are not rendered obvious by the *Draft Proposal* and the *Industry Standard* reference for at least the reasons set forth above.

Claims 48-66 and 69-73 were rejected as being unpatentable over *Rothrock* in view of U.S. Patent No. 5,113,341 issued to Kozol, et al. (*Kozol*). As discussed above, *Rothrock* does not teach or suggest any hierarchical structure in which standard and optional features (whether associated with an automobile or not) can be stored. Without the need to further characterize the *Kozol* reference, and without adopting the Examiner's characterization thereof, Applicant respectfully submits that the *Kozol* reference is not cited as curing and does not, in fact, cure the limitations identified above. That is, the Action acknowledges that the *Kozol* reference fails to disclose or suggest the use of public and private data elements within a vehicle description language data structure, as claimed in amended claim 48. Insofar as *Rothrock* fails to cure this limitation, Applicant respectfully submits that claim 48, as amended is not rendered obvious by combination of *Rothrock* and *Kozol*.

Applicant respectfully submits that claims 58 and 69 include features similar to those identified above in amended claim 48, albeit in accordance with their respective embodiments. Accordingly, Applicant respectfully submits that claims 58 and 69 are likewise not rendered obvious by combination of *Rothrock* and *Kozol*.

Claims 49-57 depend from claim 48. Claims 59-66 depend from claim 58. Claim 70 depends from claim 69. Because dependent claims include the limitations of the claims

from which they depend, Applicants submit that claims 49-57, 59-66 and 70 are not rendered obvious by *Rothrock* and *Kozol* for at least the reasons set forth above.

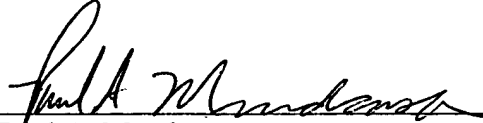
Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 48-66, 69 and 70 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date:

April 6, 2005



Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

6 APRIL 2005
Date of Deposit

DEBORAH L. HIGHAM
Name of Person Mailing Correspondence

[Signature] 4-6-05
Signature Date